

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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FAIR ISAAC CORPORATION,

Court File No. 16-cv-1054 (WMW/DTS)

Plaintiff,

v.

FEDERAL INSURANCE COMPANY,  
an Indiana corporation, and ACE  
AMERICAN INSURANCE COMPANY,  
a Pennsylvania corporation,

Defendants.

**DECLARATION OF  
TERRENCE J. FLEMING IN  
SUPPORT OF DEFENDANTS'  
REPLY FOR THEIR MOTION TO  
EXCLUDE EXPERT REPORT AND  
TESTIMONY OF NEIL  
ZOLTOWSKI**

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I, Terrence J. Fleming, declare as follows:

1. I am an attorney at Fredrikson & Byron, P.A. and am one of the attorneys representing Defendants Federal Insurance Company ("Federal") and ACE American Insurance Company in this case. I submit this declaration in support of Defendants' Reply memorandum in support of their motion to exclude the expert report and testimony of Neil Zoltowski.

2. Plaintiff Fair Isaac Corporation ("FICO") made a document production on May 3, 2018 consisting of 5,935 documents, which consist of license agreements and various documents related to those agreements for Blaze Advisor and other FICO products. FICO made a further document production on June 24, 2019 consisting of an additional 409 documents, which includes many communications containing pricing discussions about Blaze Advisor and other FICO products.

3. Attached hereto as **Exhibit 1** are true and correct copies of emails produced in this litigation that involved William Waid. (FICO00000002; FICO0000376-380; FICO0000796-797; FED004635\_0001; FED000352\_0001-0002.)

4. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the transcript of the October 2, 2018 deposition of Michael Sawyer.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: September 9, 2019

s/ Terrence J. Fleming